

## MUST PAY HER HUSBAND

Court Holds Wife Should Live Up to London Agreement.

## DOCUMENT'S ODD PROVISION

Former Lawyer to Get Half of \$38,000 Income and \$100 a Day for Son's Absence.

Justice Greenbaum decided yesterday that Mrs. Eleanor Livingston Phelps must carry out the agreement which she made with her husband, Charles Harris Phelps, in 1888, to pay to him one-half of her income from the estate of her father, John Augustus Phelps, which amounted to \$38,000 a year. Mrs. Phelps also received from her mother an estate valued at \$1,000,000. Mr. Phelps was formerly a well known lawyer in this city with a large professional income.

Mr. and Mrs. Phelps were married in 1858. They separated in 1887, but became reconciled in 1888, when the agreement was made in London. Mr. Phelps said he had abandoned his practice at the request of his wife and her father in order that he might travel with her in Europe for her health. He said he had also incurred great expense because his wife had left him and in his unsuccessful effort to get the custody of their son, Harris Livingston Phelps.

The agreement recited that Mr. Phelps was willing to have his wife back with him, but insisted that he be reimbursed for all the loss he had sustained through his marriage. He also insisted on provision being made for the safety of their son, which brought into the document a remarkable provision about the son as Mr. Phelps said "to protect him from peril hereafter."

Mrs. Phelps bound herself to pay damages of \$100 a day for each day her son was absent after Mr. Phelps had demanded his return. The father became guardian for the son. In case the child disappeared through no fault of either they were to spend up to \$5,000 to punish the abductors. In case of dispute over the agreement a lawyer of more than thirty years' standing should be appointed as arbitrator either by the Attorney General of England or the Attorney General of New York State.

For twenty-one years after the signing of this agreement Mrs. Phelps lived with her husband and paid him the half income from her father's estate. In 1910 she repudiated the agreement and refused to pay her husband any more money. She then signed a trust deed, giving her son part of her income. Mr. Phelps got a restraining order against the United States Trust Company, which forbade the company from paying out any money on the account of his wife, pending the litigation that he brought. Justice Greenbaum yesterday upheld the



MRS. GENEVIEVE NICODEMUS.

rights of Mr. Phelps under the London agreement and declared invalid the trust executed to the United States Trust Company.

Apparently because of the disposition of the case yesterday there were filed in the Register's office late in the afternoon the following transfers of property owned by Mrs. Phelps, two of which were held by the husband and another by the son:

No. 65 Pearl street and No. 101 Sixth avenue, from Charles H. Phelps to Eleanor L. Phelps; No. 65 Pearl street, No. 92 Broadway, No. 101 Sixth avenue and No. 918 Broadway, from Eleanor L. Phelps to the United States Trust Company; No. 912 and No. 918 Broadway, from Charles H. Phelps to Eleanor L. Phelps; and No. 929 Broadway, from Livingston Phelps to the United States Trust Company. In each case the consideration was mentioned as \$1.

## ALL'S WELL, SAYS MR. ALSOP

He Denies Stories of Trouble with His Young Bride.

(By Telegraph to The Tribune.)

Pittsburg, April 3.—Edward B. Alsop, well known in Pittsburgh, New York City and Washington, said today, with reference to the reports emanating from New York of an estrangement between himself and his young wife, formerly Edith Pope Hill, of Georgia:

"These stories which gossip have circulated to the effect that Mrs. Alsop and myself are unable to agree would be laughable if they were not so annoying. At present she is ill and in a sanatorium at Litchfield, Conn., but I intend to take her from there within the next few days and we'll go to either New York or Washington."

"Have you and Mrs. Alsop got along together all right since the marriage?" Mr. Alsop was asked.

"Got along together?" he exclaimed. "Why, we've been the happiest bride and groom that ever knelt before a minister to say the magic 'yes.' It was hard to be separated so soon by the necessity of having my wife go to a sanatorium, but everything will be O. K. within a few days."

Mr. Alsop will go from here to Washington this week, but he hopes to dispose of his business soon, so as to be able to join his bride in the Litchfield Hills not later than the early part of next week, and then, he says, they will both be happy because of being in each other's company again.

(By Telegraph to The Tribune.)

Boston, April 3.—An arrangement before the marriage of Edward B. Alsop and his bride provided for the leaving of Mr. Alsop's property, estimated at \$2,000,000, to his two sons, according to the statement of Harold P. T. Alsop, one of the sons and a Harvard jurist. The mother of Mrs. Alsop is reported to intend retaining a lawyer to obtain for the young bride part of the property.

"I wish to make it plain at this time," said Harold Alsop, "that there is no estrangement whatever between my father and his young bride. This talk about the bride being indignant because my father's property was placed in the care of my brother and myself is absolutely foolish."

## GIRL SENIORS REACH PORT

Pirate Song, Modified, and Dance Celebrate Safe Return.

"Fifteen men on the dead man's chest, yo ho ho, and a bottle of rum!" That was the song the pirates sang on the wind-jammers before Mr. Fulton devised his steamboat. And although the bad men of the ocean highway are but memories, the old pirate song is occasionally resurrected when the land lubbers go to sea.

It was sung yesterday on the Dutch liner Noorddam by a heavy of young women in gay gowns that ever graced the shoulders of the men of Captain Kidd, and the lines were up to date.

"Fifteen girls on the chaperone's trail, yo ho ho, and a bottle of cologne!" We have been a-shopping all around the globe, and were not afraid of showing what we bought to Mr. Loebe! Yo ho ho, and a bottle of perfume!"

The rhyme ended a dance on the Noorddam's deck, and fifteen girls, comprising the senior class of the school of Miss Jessica Finch, sank into steamer chairs exhausted. For three months they had been travelling abroad with three chaperones, and although they had lost two of their guardians in London they felt that the yoke of restraint was off when the Noorddam was home again in Hoboken.

"Oh, dear me! We had a perfectly lovely time of it," said one of the young women.

## MISS KANE NAMES THE HENLEY

Descendant of Revolutionary Hero Sponsor for New Destroyer.

Quincy, Mass., April 3.—The torpedo boat destroyer Henley, named after Captain Robert Henley, commander of the Eagle in the battle of Lake Champlain, was launched today from the yards of the Fore River Shipbuilding Company.

Miss Constance Henley Kane, of New York, a great-granddaughter of the Eagle's skipper, was sponsor for the last addition to the navy. The Henley is the last of the 75-ton class of destroyers. Turbine and reciprocating engines will be used up to 16 knots and turbines alone to 20 knots, her speed limit.

Philadelphia, April 3.—The United States torpedo boat destroyer Jarvis was launched today from the yard of the New York Shipbuilding Company, in Camden, N. J.

The boat was named by Miss Jean Knox, fourteen years old, daughter of the president of the company. The boat is 265 feet 10 1/2 inches long, with an estimated speed of 22 1/2 knots.

## Answers in the

BOOKREADERS' CONTEST

No. 91—Deep Down.  
No. 92—The Day Before Yesterday.

No. 93—Upside Down.  
No. 94—Rays of Light.

No. 95—The Flight of Time.  
No. 96—Beggars.

Watch To-Morrow's Tribune for Correct Answers to the Next Two Series.

## CAN'T RECALL FATAL SHOT

Hoped for Kiss When Husband Hit Her, Mrs. Nicodemus Says.

## HER STORY IS COMPLETE

Alienist Says, Answering Hypothetical Question, She Had Hysterical Mania.

Mrs. Genevieve Nicodemus, the "young woman who is on trial for the murder of her husband, Frank, before Judge Rosalsky, in General Sessions, testified yesterday that she had no recollection of firing the shot which killed her husband. Dr. Arthur C. Brush, an alienist, who was called as a witness by Abraham Levy, her counsel, said that he thought the young woman was suffering from hysterical mania when she killed her husband and that persons so affected generally had no recollection of what they had done when driven by their obsession.

Mrs. Nicodemus took up her story from the suggestion made by her husband that she commit suicide with a bottle of carbolic that he bought for her. She was pale and showed the effect of the long trial. Frequently she was shaken by sobs and had to pause in her testimony. The jurors leaned forward to catch the words which she spoke in a voice that was low and almost devoid of expression.

"Was that the only time that your husband suggested that you would be better dead?" asked Mr. Levy.

"No," answered the young woman; "he told me once that it would be easy to die by gas. All I had to do, he said, was to connect a tube with the gas fixture and hold it over my face. It did seem easy, but I couldn't bear to leave Frankie while there was any hope that he might change and be kind to me again."

She testified that during the whole time that she lived with her husband he gave her only 25 cents, while she had unquestioningly turned over to him the \$5 a week she made by helping a dressmaker.

A letter she had written to her husband while he was away on a vacation was placed in evidence. In it she begged him to send her \$5. "For God's sake," she wrote, "send me the money. I owe many times that amount, and I have not a cent except enough to pay for the stamp on this letter."

"By January I May Be Dead."

The letter closed in endearing terms. "I miss you so, Frankie," she wrote, "but I know you hate me, and I won't bother you again. When the baby comes then I will have something to keep me from being lonesome, and I won't bother you any more. Besides, by January I may be dead."

The baby did not live, and though the young woman came very close to death she did not die. Nurses from the Lebanon Hospital testified that she tore the dressings from the wounds she had inflicted on herself when she heard that she was likely to die.

Mrs. Nicodemus continued her story, saying that about the first of October a sister of her husband told her that Frank was back in New York and wanted to see her.

"I thought," said Mrs. Nicodemus, and she hesitated, while her bosom rose and fell with the sobs she was forcing back, "I thought that Frankie had changed, and that he wanted to be kind to me, as he was when we were first married. I went right to a telephone and called him up and told him that I would meet him. I was very excited and very happy when I ran around toward his house."

"Did your brother go with you?" asked Mr. Levy. Her brother Archie had testified that his mother told him to go along with his sister, because she was acting so strangely.

"I don't remember anything about Archie," she said; "all I know is that I was very, very happy, and I had been sad so long. I saw Frankie and I ran straight to him. I thought he would kiss me and pet me, but—"

The witness paused while she wiped away the tears that were rolling down her face.

"He struck me. He struck me in the face with his fist."

"Didn't he say anything first?" asked Mr. Levy.

"I meant to shoot myself."

"Yes. When I saw how he looked I told him that I was going to kill myself if he was so mean to me, and he said, 'Well, then, if you are going to die I may as well tell you once and for all why I married you. All I ever wanted of you was to make money for me. I had the revolver in my hand. I meant to shoot myself. What happened next I don't remember. All I know is that I woke up after a while in the hospital, and they told me I had shot Frankie."

"I didn't mean to shoot him; I didn't want him to die. God knows I loved him better than anything else on this earth and do still. If only he were alive now."

Mrs. Nicodemus was racked by sobs and had to calm herself before Frank Moss, the Assistant District Attorney, could begin his cross-examination. He asked only a few questions, and three minutes later Mrs. Nicodemus was back in her seat, her face, except by the paleness, showing little of the storm she had been through.

Defective John F. Brenneke testified for Mrs. Nicodemus. He said that he had known Frank Nicodemus for five years, that he associated with suspicious characters, and that his reputation was not of the best. On cross-examination he was unable to identify a photograph of the young man shown him by Mr. Moss.

Dr. Arthur C. Brush was the last witness. He is a specialist in diseases of the mind and nervous system, and for twenty years has been in charge of the observation ward at the Kings County Hospital. He examined Mrs. Nicodemus and has been through a hypothetical question embodying all of the testimony for the defense. It took fifty minutes to propound the question.

Dr. Brush answered that, assuming the facts stated, he would say that Mrs. Nicodemus was under such mental affliction at the time of the shooting as to not know the nature and quality of her act or to know that it was wrong. His tests showed, he said, that she was subject to hysterical mania, and such treatment as she had received, culminating in the acute disappointment of finding that her husband, instead of seeking a reconciliation, sought only to jerk at her, he thought would put her in a condition of mental irresponsibility.

On cross-examination Dr. Brush told Mr.

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## The Coward Shoe

BADLY BURNED SAVING BABY

Mother's Dress in Flames, She Ignores Own Danger.

While Mrs. Clara Satin, of No. 123 Ludlow street, was preparing supper on the fourth floor of the big six-story tenement house last evening, her dress was blown against the gas stove and instantly flared up. Either, her three-month-old infant, was on the floor, and her dress also took fire. In trying to save her baby's life Mrs. Satin neglected to heat out the flames which were enveloping her own body. As a result she was burned so severely that her life is despaired of in Gouverneur Hospital.

As soon as Mrs. Satin saw her baby's clothes ignited she began to beat them out with her bare hands, at the same time screaming for help. Her other children, all under fourteen years of age, tried to help their mother, and were slightly burned in doing so.

Just when it seemed as though mother and baby would be burned to death Mrs. Yetta Eldrich, who lives on the same floor, ran in and beat out the flames. The baby was only slightly injured, but the mother and her eldest daughter, Fanny, were taken to the hospital. The fire was extinguished with only slight damage to the building.

## BRIDE OF A WEEK SLAIN

Jealous Boarder Then Attempts to End His Own Life.

Chicago, April 3.—Mrs. Emily Shaw, who was married only a week ago, was murdered today in her home here by Clarence Carr, a boarder, who then tried to kill himself. He used a razor.

The police say that Carr has a wife and two children and was infatuated with Mrs. Shaw. He asked that he be buried from Mrs. Shaw's home.

## SHOES SEE 53 YEARS' SERVICE.

Bought for \$2, They Look Good for Century or So Longer.

(By Telegraph to The Tribune.)

Boston, April 2.—A pair of shoes in the possession of James O'Sullivan, an India street merchant, have been lying around since the spring of 1859, when he purchased them in London. They are still serviceable, though out of fashion, and look good for another century or so of wear.

The shoes were actually worn for two years steadily in England, and then saw service in Australia, where they were in use, off and on, for some eighteen years. Afterward, when Mr. O'Sullivan came to America, he used them in the work on the Ashland Dam, where he was a contractor. He paid 8 shillings, or about \$12, for the shoes, and considers the investment among his best, though he has made many profitable ones.

## POTATOES HIGHEST IN YEARS.

Chicago, April 3.—Potatoes sold today at \$1 1/5 a bushel, wholesale, the highest price recorded in recent years. This compares with a price of 50 cents a year ago. Housewives today paid 50 cents a peck.

## PLUCKS FIGHTING BIRD

Fark Keeper Hopes to Prevent War Between Two Irish Gamecocks.

There will be no more cock fighting in the Central Park menagerie. For a long time visitors to the menagerie, as well as the attendants, had all the excitement of watching a genuine cock fight, minus the Latin environment supposed to go with that pastime.

Dick and Jim, two Irish gamecocks, were the cause of the entertainment. Dick was presented to the menagerie some time ago by C. K. G. Billings, a horseman, who imported him from Ireland. The bird was accompanied by some hens.

In the last month Jim, the son of Dick, has shown a desire to rule the roost, and as he had all the fighting qualities of the older cock the youngster made things lively. The fowls are in the deer paddock and are under the surveillance of Robert Hoey, the keeper.

Jim and his daddy fought so fiercely on Sunday and Monday that they were all wounded in yesterday, though neither bird was whipped. To prevent any more an-

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